

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-19 are pending in the present application. Claims 1-19 are amended by the present amendment.

In the outstanding Office Action, Claim 17 was objected to and Claims 1-19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Iizuka (U.S. Patent No. 6,435,713 B1).

Regarding the objection to Claim 17, Claim 17 has been amended as suggested by the outstanding Office Action. No new matter has been added. Accordingly, it is respectfully requested this rejection be withdrawn.

In view of the rejection of Claims 1-19 under 35 U.S.C. § 103(a) as unpatentable over Iizuka, independent Claims 1, 9, and 13 have been amended to recite a predetermined evacuation position and a predetermined temporary evacuation position. The claim amendments find support in Figure 5 and in the specification at page 9, line 9, to page 10, line 8. In this respect, it is noted that the specification at page 9, lines 9-24 discloses that buttons 81-87 allow a user to move randomly various parts of the X-ray apparatus, and buttons 89-91 allow the user to move the parts of the X-ray apparatus at predetermined positions. In addition, the specification discloses in the paragraph bridging pages 15 and 16 that a time for moving the parts of the device is reduced by providing single button operations, i.e., moving the parts to the predetermined positions. Thus, no new matter is believed to be added.

Briefly recapitulating, amended Claim 1 is directed to an X-ray diagnostic apparatus that includes, *inter alia*, a first photographic system, a second photographic system, and a control circuit controlling a movement of the second photographic system. When a second

operator instruction is inputted, the control circuit automatically moves the second photographic system to a predetermined evacuation position distant from a photography position, and when a third operator instruction is inputted, the control circuit automatically moves the second photographic system to a predetermined temporary evacuation position closer to the photography position than the predetermined evacuation position. Independent Claims 9 and 13 have been amended similar to independent Claim 1.

Turning to the applied art, Iizuka shows in Figure 1 a first photographic apparatus (21 and 22), a second photographic apparatus (31 and 32), and a control circuit 50. As noted in the previously filed amendment, Iizuka merely discloses that it is possible to stop a photographic system at various positions determined by an operator of the device. However, the various positions are not predetermined positions that the control device automatically uses but are rather positions determined by the user to be convenient positions while using the device.

The outstanding Office Action indicates that Iizuka discloses at column 3, lines 1+, column 4, lines 56+, and column 5, lines 22+, that the control 50 automatically moves the various parts of the device. However, Iizuka does not teach or suggest that the positions where the various parts of the device are moved are predetermined positions as required by amended Claims 1, 9, and 13.

Accordingly, it is respectfully submitted that independent Claims 1, 9, and 13 and each of the claims depending therefrom patentably distinguish over Iizuka.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Remus F. Fetea, Ph.D.
Registration No. 59,140